IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1009 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/04/2004 in WP NO : 3816 OF 2004 on the file of the High Court.)

Between:

1 The State of Andhra Pradesh, Rep. by its Secretary, Government of A.P., Secretariat, Hyderabad.
2 The District Collector, Kirhsna District at Machilipatnam.
3 The Dy. Director of Mines & Geology, Kakinada, E.G. District.
4 The Asst. Director of Mines & Geology, Vijayawada, Krishna District.

..... APPELLANTS

AND

Smt. V. Prameela, W/o. Lakshminarayana,
Kondapalli (V), Ibrahimpatnam (M), Krishna District.

.....RESPONDENT

WRIT APPEAL NO : 1043 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11/09/2003 in WP NO : 4720 OF 2003 on the file of the High Court.)

Between:

1 The State of Andhra Pradesh, Rep. by its Secretary,
Government of A.P., Secretariat, Hyderabad.
2 The District Collector, Kirhsna District at Machilipatnam.
3 The Dy. Director of Mines & Geology, Kakinada, E.G. District.
4 The Asst. Director of Mines & Geology, Vijayawada, Krishna District.

..... APPELLANTS

AND

Smt. V. Prameela, W/o. Lakshminarayana,
Kondapalli (V), Ibrahimpatnam (M), Krishna District.

.....RESPONDENT

Counsel for the Appellants: GP FOR INDUSTRIES & COMMERCE

Counsel for the Respondent : MR.A.RAMALINGESWAR RAO

And

W.P.M.P NO : 24600 of 2003

IN

W.P.NO: 19607 of 2003

Between:

Sri Vijayalaxmi Stone Crusher, plot No. 25, 1st Lane, R.T.C.Colony, Vijayawada,Krishna Dt.

..... PETITIONER

(Petitioners inW.P.M.PNO : 19607 of2003
on the file of High Court)

AND

1State of Andhra Pradesh, rep.by its Secty.to Govt.,Industries 7 Commerce (Mines-II) Department, Secretariat, Buildings, Secretarait, Hyderabad
2Dist.Collector, Krishna District., Machilipatnam
3Deputy Director of Mines&Geology, Department of Mines, Kakinada, East Godavari Dist.
4Assistant Director of Mines&Geology, Department of Mines, Veterinary Colony, Ring Road, Vijayawada,
Krishna District.

.....RESPONDENTS

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the respondents to permit the petitioner to continue the quarrying operations in an extent of 2.000 hactars in Survey No. 1 of Kondapallivillage, Ibrahimpatnam Mandal, Krishna district in pursuance of the agreement executed on 12-11-1998, pending disposal of above writ petition and pass pending W.P.NO.19607 of2003on the file of the High Court

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for the Respondents 1 to 4 :GP FOR INDUSTRIES& COMMERCE

W.P.M.P NO : 24632 of 2003

IN

W.P.NO: 19634 of 2003

Between:

M/s.Kondapalli Stone Crusher, Kondapalli Village, Ibrahimpatnam Mandal, Krishna District, rep., by its
Sri P.Venkateswara Rao

..... PETITIONER

(Petitioners inW.P.M.PNO : 19634 of2003
on the file of High Court)

AND

1State of A.P., rep., by its Secretary to Govt., Industries and Commerce (Mines-II) Department,
Secretariat Buildings, Secretariat, Hyderabad.
2District Collector, Krishna District, Machilipatnam.
3Deputy Director of Mines and Geology, Department of Mines, Kakinada, E.G.District.
4Assistant Director of Mines and Geology, Department of Mines, Veterinary Colony, Ring Road, Vijayawada,
Krishna District.

.....RESPONDENT

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the respondents to permit the petitioner to continue the quarrying operations in an extent of 1.000 hectares in Survey No.1 of Kondapalli Village, Ibrahimpatnam Mandal, Krishna District in pursuance of the agreement executed on 27-10-1993pending W.P.NO.19634 of2003on the file of the High Court

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for the Respondents 1 to 4 :GP FOR INDUSTRIES& COMMERCE

W.P.M.P NO : 25066 of 2003

IN

W.P.NO: 19993 of 2003

Between:

Sri Vijaya Laxmi QWLCC Society, Putlamgattu, pragathinagar, Kondapalli (V) Ibrahimpatnam Mandal, Krishna district rep by President K. Anjaneyulu

..... PETITIONER

(Petitioners inW.P.M.PNO : 19993 of2003
on the file of High Court)

AND

1State of andhra Pradesh, rep by its Secrtary to Government, Industries and Commerce (Mlnes-II)
Department, Secretariat Buildings Secretariat, Hyderabad
2District Collector, Krishna district Machilipatnam.
3Deputy Director of Mines and Geology Department of Mines, Kakinada,
East Godavari District
4Assistant Director of Mines and geology Department of Mines, veterinary Colony, Ring Road, Vijayawada, Krishna District

.....RESPONDENTS

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the Respondents to permit the petitioner to continue the quarrying operations in an extent of 0.809 hectares in Survey No.1 of Kondapalli Village, Ibrahimpatnam Mandal, Krishna District in pursuance of the agreement executed on 16-7-1998pending W.P.NO.19993 of2003on the file of the High Court

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for the Respondents 1 to 4 :GP FOR INDUSTRIES& COMMERCE

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W.P.M.P NO : 24859 of 2003

IN

W.P.NO: 19839 of 2003

Between:

M.V. Narayana Rao, S/o. M. Raghavaiah,
Kondapalli, Ibrahimpatnam Mandal, Krishna District.

..... PETITIONER

(Petitioners inW.P.M.PNO : 19839 of2003
on the file of High Court)

AND

1State of Adhra Pradesh, Rep. by its Secretary to Government, Industries nad commerce (Mines-II) Department,
Secretariat buildings, Secretariat, Hyderabad.
2District Collector, Krishna District, Machilipatnam
3Deputy Director of mines and geology, Department of Mines, Kaiknada, East Godavari District.
4Assistant Director of Mines and Geology, Department of Mines, Kakinada, East Godavari District.

.....RESPONDENTS

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the respondents to permit the Petitioner to continue the quarrying operations in an extent of 0.50 hectares in Survey No. 1 of Kondapalli Village, Ibrahimpatnam Mandal, Krishna District in pursuance of the agreement executed on 10.11.1997, pending disposal of above Writ Petition and pass pending W.P.NO.19839 of2003on the file of the High Court

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for the Respondents 1 to 4 : GP FOR INDUSTRIES & COMMERCE

W.P.M.P NO : 24988 of 2003

IN

W.P.NO: 19931 of 2003

Between:

G.Dhanumjaya Rao s/o Veeraiah
Ibrahimpatnam Post & mandal., Krishna District.

..... PETITIONER

(Petitioners inW.P.M.PNO : 19931 of2003
on the file of High Court)

AND

1State of Andhra Pradesh rep.by its Secretary to Government, Industries and Commerce
(Mines-II) Department., Secretariat Buildings., Secretariat., Hyderabad.
2District Collector., Krishna District., Machilipatnam.
3Deputy Director of Mines and Geology., Department of Mines, Kakinada.,
East Godavari District.
4Assistant Director of Mines and Geology., Department of Mines, Veternary Colony.,
Ring Road., Vijayawada., Krishna District.

.....RESPONDENT

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the respondents to permit the Petitioner to continue the quarrying operations in an extent of Ac.4.00 in Survey No.1 of Kondapalli Village, Ibrahimpatnam Mandal, Krishna District in pursuance of the agreement executed on 19-05-1997pending W.P.NO.19931 of2003on the file of the High Court

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for the Respondent Nos.1 to 4: G.P.FOR INDUSTRIES & COMMERCE

W.P.M.P NO : 24984 of 2003

IN

W.P.NO: 19927 of 2003

Between:

M/s. Vijayalaxmi Stone Crusher Plot No. 25 1st Lane, RTC. Colony
Vijayawada, Krishna district rep by Managing Partner Y. Mohan Rao

..... PETITIONER

(Petitioner inW.P.M.PNO : 19927 of2003
on the file of High Court)

AND

1State ofAndhra Pradesh rep by its Secretary to Government, Industries and Commerce (Mines-II) Department, Secretariat Buildings, Secretariat, Hyderabad
2District Collector Krishna District Machilipatnam
3Deputy Director of Mines and Geology, Department of Mines, Kakinada East Godavari District
4Assistant Director of Mines and Geology Department of Mines Veterinary Colony Ring Road, Vijayawada, Krishna District

.....RESPONDENT

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the respondents to permit the petitioner to continue the quarrying operations in an extent of 0.607 Hectares in Survey No.1 of Kondapalli Village Ibrahimpatnam Mandal, krishna District in pursuance of the agreement executed on 12-11-1998pending W.P.NO.19927 of2003on the file of the High Court

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for the Respondents: G.P. FOR INDUSTRIES & COMMERCE.

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W.P.M.P NO : 24867 of 2003

IN

W.P.NO: 19846 of 2003

Between:

M/s. Sudha Stone Crusher, Kondapalli Village, Ibrahimpatnam Mandal, Krishna District.
Properitor, P. Sudha, Rep. by her G.P. Holder, P. Venkateswara Rao,

..... PETITIONER

(Petitioners inW.P.M.PNO : 19846 of2003
on the file of High Court)

AND

1State of Andhra Pradesh, Rep. by its Secretary to Government Industries and

Commerce (Mines-II) Department,
Secretariat Buildings, Secretariat, Hyderabad.
2District Collector, Krishna District, Machilipatnam.
3Deputy Director of mines and Geology, Departmnet of Mines,
Kakinada, East Godavari District.
4Assistant Director of Mines and Geology, Department of Mines, Veterinary Colony,
Ring Road, Vijayawada, Krishna District.

.....RESPONDENTS

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the Respondents to permit the Petitioner to continue the quarrying operations in an extent of 1,000 hectares in Survey no. 1 of Kondapalli Village, Ibrahimpatnam Mandal, Krishna District in pursuance of the agreement executed on 11.10.1993, pending disposal of above Writ Petition and pass such other further orders pending W.P.NO.19846 of2003on the file of the High Court

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for the Respondents 1 to 4:GP FOR INDUSTRIES & COMMERCE

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W.P.M.P NO : 25372 of 2003

IN

W.P.NO: 20248 of 2003

Between:

1 V.Rammohana Rao s/o. Jaganadha Rao
r/o. Kondapallli Ibrahimpatnam Mandal,
Krishna Dist.
2 S.Raghuram s/o. Venkatarama Subramanyam
r/o. D.No.40-9/4-24 Municipal Employees Colony,
Sarada nagar, Vijayawada Krishna Dist.
3 Vijaya Jyothi Stone Crusher, rep.by its M.P.w/o. Radha Krishna
r/o. Jyothi Nilayama Near Nirmala Kanvent,
Benzi Circle, Vijayawada, Krishna Dist.

..... PETITIONER

(Petitioners inW.P.M.PNO : 20248 of2003
on the file of High Court)

AND

1The Govt.of A.P.,Department of Mines&Geology rep.by its Secty.
Industries&Commerce (Mines-II) Dept., Secretariat, Hyderabad

2The Deputy Dir.of Mines 7 Geology Kakinada, E.G.Dist.
3The Dist.Collector, Krishna Dist.
4The Assistant Dir.of Mines 7 Geology, Veterinary colony, Ring Road., Vijayawada, Krishna Dist.
5Sub-Collector, Vijayawada, Krishna Dist.

.....RESPONDENTS

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the respondents to allow the petitioners to continue the quarrying operations in the lands leased out to them in R.S.No.1 of Kondapally village, Ibrahimpatnam, Krishna District, pending disposal of the writ petition and pass pending W.P.NO.20248 of2003on the file of the High Court

Counsel for the Petitioner:MR.T.RAJENDRA PRASAD

Counsel for the Respondents 1 to 5:GP FOR INDUSTRIES& COMMERCE

W.P.M.P NO : 25472 of 2003

IN

W.P.NO: 20340 of 2003

Between:

G.Dhanumjaya Rao s/o.Veeraiah
Ibrahimpatnam Post & Mandal Krishna District.

..... PETITIONER

(Petitioners inW.P.M.PNO : 20340 of2003
on the file of High Court)

AND

1State of Andhra pradesh, rep.by its Secretary to Government Industries and Commerce(Mines-II)Department, Secretariat
buildings, Secretariat, hyderabad.
2District collector, Krishna District, Machilipatnam
3Deputy Director of Mines and Geology, Department of Mines Kakinada, East Godavari District.
4Assistant Director of mines and Geology Department of Mines, Veterinary Colony, Ring Road,
Vijayawada, Krishna District.

.....RESPONDENTS

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the respondents to permit the petitioner to continue the quarrying operations in an extent of Ac.3.00 in survey No.1 of Kondapalli Village, Ibrahimpatnam Mandal, Krishna District in pursuance of the agreement executed on 19.5.1997.pending W.P.NO.20340 of2003on the file of the High Court

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for the Respondents 1 to 4: G.P. FOR INDUSTRIES & COMMERCE.

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W.P.M.P NO : 25539 of 2003

IN

W.P.NO: 20399 of 2003

Between:

Orsu China Koteswara Rao, S/o.Venkaiah,
Kondapalli Village, Ibrahimpatnam Mandal,
Krishna Dist.

..... PETITIONER

(Petitioner inW.P.M.PNO : 20399 of2003
on the file of High Court)

AND

1State of A.P., rep.by its Secretary to Govt., Industries and Commerce (Mines-II) Dept.,
Secretariat Buildings, Hyderabad.
2Dist.Collector, Krishna Dist. Machilipatnam.
3Dy.Director of Mines&Geology, Dept.of Mines, Kakinada, E.G.Dist.
4Asst.Director of Mines&Geology, Dept.of Mines, Veterinary Colony,
Ring Road, Vijayawada, Krishna Dist.

.....RESPONDENTS

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the Respondents to permit the petitioner to continue the quarrying operations in an extent of Ac.1.00 in Survey No.1 of Kondapalli Village, Ibrahimpatnam Mandal, Krishna Dist. in pursuance of the agreement executed on 15-6-1997, pending disposal of the above writ petition pending W.P.NO.20399 of2003on the file of the High Court

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for the Respondent Nos. 1 to 4.:G.P.FOR INDUSTREIS & COMMERCE

W.P.M.P NO : 25443 of 2003

IN

W.P.NO: 20312 of 2003

Between:

1 Baji Babu Constructions, rep.by its Managing Partner Sri.V.Rama Mohan Rao S/o.Jaganadha Rao
R/o.Kondapalli, Ibrahimpatnam Mandal Krishna District.
2 M/s.Chaitanya Granite Metal Works, rep.by Managing partner Sri P.Chaitanya S/o.P.R.K.Prasad, R/o.10-33, Varalakshmi
Puram, Ashok Nagar, Vijayawada, Krishna District
3 P.Karunakaar, S/o.Venkaiah R/o.Krishna Venam Villagae, Kiralampudi Mandal
E.G.District.
4 M/s.Vengamamba Engineering company, rep.by its Proprietor P.Venkaiah S/o.late China Venkaiah, Krishna Venam Village
Kirshna Venam Village, Kirlampudi Mandal E.G.District.
5 S.Kadareswara Rao, S/o.Radha Krishna, R/o.Ibrahim Patnam Vijayawada, Krishna District.
6 S.Kadareswara Rao, S/o.Radha Krishna R/o.Ibrahim Patnam, Vijayawada, Krishna District
7 M/s.Venkataraman Granite Metal Works, rep.by Proprietor, Sri S.Raghuram S/o.Venkatarama Subramanyam
R/o.D.No.40-9/4-24, Municipal Employees Colony Sarada Nagar, Vijayawada, Krishna District
8 M/s.Swaroopa Granite Metal Works, rep.by Managing partner Sri K.Nageswara Rao, s/o.Nagaiah, R/o.76-8/1-19/1,
Lalithanagar, Bhavanipuram, Vijayawada, Krishna District.

..... PETITIONER

(Petitioners inW.P.M.PNO : 20312 of2003
on the file of High Court)

AND

1The Government of Andhra Pradesh, Department of Mines and Geology, rep.by its Secretary, Industries and Commerce
(Mines-II)Department, Secretariat, Hyderabad
2The Deputy Director of Mines and Geology Kakinada, East Godavari District.
3The District Collector, Krishna District
4The Assistant Director of Mines and Geology Veterinary Colony, Ring Road, Vijayawada.
5Sub-Collector, Vijayawada, Krishna district.

.....RESPONDENT

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the respondents to allow the petitioners to continue the quarrying operations in the lands leased out to them in R.S.No.1 of Kondapally Village, Ibrahimpatnam, Krishna District.pending W.P.NO.20312 of2003on the file of the High Court

Counsel for the Petitioner:MR.T.RAJENDRA PRASAD

Counsel for the Respondent Nos. 1 to 5: GP FOR INDUSTRIES & COMMERCE

W.P.M.P NO : 25933 of 2003

IN

W.P.NO: 20717 of 2003

Between:

M/s.Standard Granite Crusher, Kattubadipalem Village, G.Konduru(M) Krishna District, rep.by its Managing Partner
M.S.Pillai

..... PETITIONER

(Petitioners inW.P.M.PNO : 20717 of2003
on the file of High Court)

AND

1State of Andhra Pradesh, rep.by its Secretary to Government Industries and Commerce(Mines-II)Department, Secretariat
Buildings, Secretariat, Hyderabad,.
2District Collector, Krishna District, Machilipatn;am
3Deputy Director of Mines and Geology, Department of Mines Kakinada, East Godavari District.
4Assistant Director of Mines and Geology, Department of Mines Veterinary Colony, Ring Road, Vijayawada, Krishna District.

.....RESPONDENTS

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the respondents to permit the petitioner to continue the quarrying operation in an extent of Ac.1.25 in Survey No.1 of Kondapalli Village, Ibrahimpatnam Mandal, Krishna District in pursuance of the agreement executed on 30-03-1995.pending W.P.NO.20717 of2003on the file of the High Court

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for the Respondent Nos.1 to 4: G.P.FOR INDUSTRIES & COMMERCE

W.P.M.P NO : 25768 of 2003

IN

W.P.NO: 20580 of 2003

Between:

V. Kondala Rao s/o V. Veeraswamy
R/o Kondapalli Village, Ibrahimpatnam Mandal Krishna District

..... PETITIONER

(Petitioners inW.P.M.PNO : 20580 of2003
on the file of High Court)

AND

1 State of Andhra Pradesh, Rep. by its Secretary to Government
Industries and Commerce (Mines-II) Department, Secretariart Buildings, Secretariat, Hyderabad
2 DistrictCollector, Krishna District, Machilipatnam
3 Deputy Director of Mines and Geology, Department of Mines, Kakinada,
East Godavari District
4 Assistant Director of Mines and Geology, Department of Mines, Veterinary Colony, Ring Road, Vijayawada, Krishna District

.....RESPONDENTS

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the Respondents to permit the Petitioner to continue the quarrying operations in an extent of 0.405 hectares in Survey No.1 of Kondapalli village, Ibrahimpatnam Mandal, Krishna District in pursuance of the agreement executed on 18-10-1995 ,pending W.P.NO.20580 of2003on the file of the High Court

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for the Respondent Nos. 1 to 4: G.P. FOR INDUSTRIES & COMMERCE

W.P.M.P NO : 26374 of 2003

IN

W.P.NO: 21112 of 2003

Between:

M/s. Venkataramana Stone Crusher, Rep. by. Popr. Smt. E. Parvthamma, W/o. Atchaiah,

R/o. Mulapadu Village, Ibrahimpatnam Mandal, Krishna District.

..... PETITIONER

(Petitioners inW.P.M.PNO : 21112 of2003
on the file of High Court)

AND

1The Government of Andhra Pradesh, Department of Mines and Geology, Rep. by its Secretary,
Industries and Commerce (Mines-II) Department, Secretariat, Hyderabad.
2The Deputy Director of Mines and Geology, Veterinary Colony, Ring Road, Vijayawada.
3The District Collector, Krishna District.
4The Assistant Director of Mines and Geology, Veterinary Colony, Ring Road, Vijayawada.
5Sub-Collector, Vijayawada, Krishna District.

.....RESPONDENTS

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the respondents to allow the petitioners to continue the quarrying operations in the lands leased out to them in R.S. No.1 of Kondapally Village, Ibrahimpatnam, Krishna District, pending disposal of the Writ Petition and pass pending W.P.NO.21112 of2003on the file of the High Court.

Counsel for the petitioner:T. RAJENDRA PRASAD

Counsel for the Respondents 1 to 5: G.P for Industries and Commerce

W.P.M.P NO : 25184 of 2003

IN

W.P.NO: 20096 of 2003

Between:

A. Satyanarayana s/o A. Maraiah,
C/o Sri A. Rama Rao, D.No. 7-65, Panchayat Office Road, Kondapalli Village, Ibrahimpatnam Mandal, Krishna District

..... PETITIONER

(Petitioners inW.P.M.PNO : 20096 of2003
on the file of High Court)

AND

1State of Andhra Pradesh Rep. by its Secretary to Government
Industries and Commerce (Mines-II) Department, Secretariat Buildings, Secretariat, Hyderabad
2District Collector, Krishna District, Machilipatnam
3Deputy Director of Mines and Geology, Department of Mines, Kakinada, East Godavari District
4Assistant Director of Mines and Geology, Department of Mines, Veterinary Colony, Ring Road, Vijayawada, Krishna District

.....RESPONDENT

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the respondents to permit the petitioner to continue the quarrying operations in an extent of 0.50hectares in Survey No.1 of Kondapalli village, Ibrahimpatnam Mandal, Krishna District in pursuance of the Agreement executed on 12-1-1994,pending W.P.NO.20096 of2003on the file of the High Court.

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for the Respondent Nos 1 to 4.:GP FOR INDUSTRIES & COMMERCE

W.P.M.P NO : 815 of 2004

IN

W.P.NO: 19915 of 2003

Between:

M/s. Krishna Mohan Stone Works, H.No.54-13-2/1A, Srinivasanagar Bank coly. Vijayawada, Krishna Dist.
rep. by its managing Partner P. Krishnas Mohan

..... PETITIONER

(Petitioners inW.P.M.PNO : 19915 of2003
on the file of High Court)

AND

1State of Andhra Pradesh rep. by its Secretary to Govenment Industries and Commerce (Mines-II)
Department, Seretariat Buildings, Secretariat, Hyderabad.
2District Collector, Krishna District Machilipatnam
District Collector, Krishna District Machilipatnam.
3Deputy Director of Mines and Geology Department of Mines, Kakinada,
East Godavari District.
4Assistant Director of Mines and Geology, Department of Mines, Veterinary Colony, Ring Road, Vijayawada, Krishna District.

.....RESPONDENT

(Respondents in -do-)

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for the Respondent :GP FOR INDUSTRIES&COMMERCE FOR R1TO4

Petition under Section 151 of CPC praying the High Court toto permit the petitioner to amend the cause title in the wp by adding the name of the petitioner above the name of the firmpending W.P.NO.19915 of2003on the file of the High Court

And

W.P.M.P NO : 9981 of 2004

IN

W.P.NO: 7657 of 2004

Between:

V.Rajya Lakshmi, w/o V.Kondala Rao,
r/o Kondapalli Village, Ibrahimpatnam Mandal,
Krishna District.

..... PETITIONER

(Petitioners inW.P.M.PNO : 7657 of2004
on the file of High Court)

AND

1State of Andhra Pradesh, rep., by its Secretary to Government,
Industries and Commerce (Mines-II) Department, Secretariat Buildings, Secretariat, Hyderabad.
2District Collector, Krishna District, Machilipatnam.
3Deputy Director of Mines and Geology, Department of Mines,
Kakinada, East Godavari District.
4Assistant Director of Mines and Geology, Department of Mines, Veterinary Colony, Ring Road, Vijayawada, Krishna District.

.....RESPONDENTS

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to direct the respondents to permit the petitioner to continue the quarrying operations in an extent of 1.202 hectares in Survey No.1 of Kondapalli Village, Ibrahimpatnam Mandal, Krishna District in pursuance of the agreement executed by the petitioner on 30-12-1995 and 4-11-1997pending W.P.NO.7657 of2004on the file of the High Court.

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for the Respondent Nos. 1 to 4:GP FOR INDUSTRIES & COMMERCE

The Court made the following Common Order:

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE C.V. RAMULU

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WRIT APPEAL Nos. 1009 of 2004, 1043 of 2004 and W.P.M.P. Nos.24600, 24632, 25066,24859, 24988, 24984, 24867, 25372, 25472, 25539, 25443, 25933, 25768, 26374, 25184 of 2003, 815 and 9981 of 2004

In

Writ Petition Nos. 19607, 19634, 19993, 19839, 19931, 19927, 19846, 20248, 20340, 20399, 20312, 20717, 20580, 21112, 20096, 19915 of 2003 and 7657 of 2004

Common Order: (Per Sri Devinder Gupta, CJ)

On 7.3.2002, a Memo was addressed by the Principal Secretary to Government, Industries & Commerce (Mines II) Department to the District Collector, Krishna, inviting his attention to the grant of about 35 quarry leases in Survey No.1 of Kondapalli Village, on the basis of the 'No Objection Certificate' issued by the Mandal Revenue Officer, Ibrahimpatnam.

District Collector was requested to have a joint inspection by officials of Forest, Mines, Survey and Land Records and Revenue Department in the subject area and submit a final report to the Government within 30 days and pending receipt of report of the Joint Survey Team, the action proposed by the Dy. Director of Mines and Geology, Kakinada to cancel those 35 quarry leases existing in Survey No.1 of Kondapalli Village was stayed. He also directed that no quarrying shall be permitted during that period.

It appears that those 35 quarry leases were operating and there was proposal to cancel the quarry leases on the ground that the area in question was classified as 'Adavi Poramboke' and the question of grant of quarrying leases does not arise in the said 'Adavi Poramboke' in view of the judgment of the Supreme Court in DIVISIONAL FOREST OFFICER & OTHERS vs. S. NAGESWARAMMA & OTHERS (). On that basis, the Deputy Director of Mines and Geology, Kakinada had proposed action to cancel those leases. As stated above, the said proposed action was stayed by the Government with a direction to carry out survey and till then it was directed that no quarrying shall be permitted during this period.

Pursuant to the aforementioned orders of the Government, quarrying was stopped in those 35 quarries. This action was challenged by the writ petitioners in various writ petitions in this Court. However, with the writ petitions, applications for interim relief were also filed praying that pending writ petitions, the lessees may be permitted to continue quarrying operations within their respective areas. On 11.9.2003, learned single judge took note of the Joint Inspection Report, which, by that date, had already been submitted to the Government and observed that Survey No.1 of Kondapalli Village is outside the Reserve Forest area and was never treated as part of the Reserve Forest. Learned single judge also noticed that Sub-Collector of

Krishna was also a signatory to the Joint Inspection Report. Therefore, the learned single judge felt that there was prima facie case in favour of the writ petitioners and thus there was no basis for preventing the writ petitioners from carrying on the mining operations. Therefore, a direction was issued as prayed for in the application permitting the writ petitioner to continue the quarrying operations. This order was passed in WPMP No. 6216 of 2003 in Writ petition No. 4720 of 2000 which, led to passing of similar interim orders in the remaining writ petitions. The order passed in two such WPMPs are under challenge before us in the writ appeals. The other W.P.M.Ps., are also listed before us.

We have heard the counsel for the parties.

There is no manner of doubt that as on the date when the writ petitions were filed, the writ petitioners were not operating the quarries because of prohibition imposed by the authorities concerned, which action is under challenge in the writ petitions. Therefore, allowing such a prayer by way of interim relief would amount to allowing the main writ petitions. While issuing the interim orders, it is but necessary for the Courts to examine the question of balance of convenience and irreparable loss. In case, ultimately, the writ petitions are dismissed, there is no possibility of operating the quarries by the petitioners, whereas in the event of writ petitions being allowed, there is no doubt that the question of extension of lease can always be considered and the petitioners can very well be compensated. In such circumstances, the best course open would be to hear the writ petitions themselves. The grant of interim prayer, which is almost on the same lines as the main prayer in the writ petition, on the Court coming to the conclusion that petitioners would be entitled to the relief ultimately prayed for has been deprecated in number of cases. Even as regards the prima facie case and balance of convenience, Joint Survey Report, if read as a whole, would give an impression that Survey No.1 of Kondapalli village is recorded as un-assessed as per the revenue survey and since Adavi is also mentioned in the remarks column, the provisions of Forest Conservation Act, 1980 would apply.

In this view of the matter, it is not at all permissible for the learned single judge to issue interim directions based upon the Joint Inspection Report, which clearly states that the area in question has been classified as ‘Adavi’. The impugned order in writ appeals as such cannot be sustained and for that reason, there is no ground to continue the interim orders passed in the other pending writ petitions.

Learned counsel for the writ petitioners urged before us that these orders have remained in operation for quite some time and therefore they may be allowed to continue, otherwise, the writ petitioners and their employees would face hardship.

We have heard the learned counsel for the writ petitioners at length on this aspect and we are of the view that such an order which cannot be sustained in law cannot be permitted to continue and hardship, in case, is likely to be faced by the writ petitioners, can always be compensated, in the event of writ petitions being allowed ultimately.

Consequently, we allow the writ appeals and set aside the orders impugned in the writ appeals and we also proceed to vacate the interim orders passed in the remaining writ petitions and dismiss the applications filed by the petitioners for interim relief. Simultaneously, we would direct that the writ petitions be placed for being heard by the learned single judge on 27.7.2004 on the top of the list.

Ordered accordingly.

DEVINDER GUPTA,CJ

Date: 21st July, 2004

C.V. RAMULU,J

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To

1. The Secretary,

Industries & Commerce Dept., Secretariat, Hyderabad.

2. The District Collector, Krishna District.

3. The Deputy Director of Mines and Geology, Kakinada, E.G. District.

4. The Assistant director of Mines and Geology, Vijayawada, Krishna District.

5. Copy to the Government Pleader for Industries & Commerce, High Court Buildings, Hyderabad.(OUT)

6. Two C.D. copies